

the West Point Canning Co., from Clearfield, Utah, or on about February 5, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Lavora Brand Catsup, packed by Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the product consisted in part of a decomposed vegetable substance.

On December 1, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19099. Misbranding of canned black raspberries. U. S. v. 176 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27049. I. S. No. 40487. S. No. 5282.)**

Samples of canned black raspberries from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 176 cases of canned black raspberries at Chicago, Ill., alleging that the article had been shipped by the Fredonia Salsina Canning Co. (Inc.), from Fredonia, N. Y., on or about July 20, 1931, and had been transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the statements on the can label, "Contents 6 Lbs. 10 Ozs. Sky Lark Brand Black Raspberries \* \* \* Packed by Fredonia Salsina Canning Co., Inc., Fredonia, N. Y.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 3, 1931, the Fredonia Salsina Canning Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19100. Adulteration and misbranding of butter. U. S. v. 38 Boxes of Alleged Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26140. I. S. No. 27914. S. No. 4366.)**

Examination of the alleged butter herein described having shown that it consisted chiefly of lard and contained practically no butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 boxes of alleged butter, remaining in the original unbroken packages at Harrisburg, Pa., consigned on or about February 25, 1931, alleging that the article had been shipped by L. Ferris, commission merchant, New York, N. Y., and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The label of the article bore the statements, "Pure Creamery Butter One Pound Net," and pictures of a cow in a stable and of a girl operating a churn.

It was alleged in the libel that the article was adulterated in that a substance, yellow oleomargarine, had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been abstracted.